

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**FIREMAN'S FUND
INSURANCE COMPANY,
a/s/o Thirty Four Lime Street Trust, et al.
Plaintiff,**

v.

CIVIL ACTION No. 05-30089-KPN

**C.H. NEWTON BUILDERS, INC.,
and
ALAIRE PLUMBING & HEATING,
Defendants.**

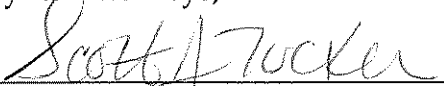
**ASSENTED TO MOTION TO TRANSFER CASE TO UNITED STATES
DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS - EASTERN DIVISION**

NOW COME the Defendants C.H. Newton Builders, Inc. and Alaire Plumbing & Heating, and move to transfer this case from the United States District Court for the District of Massachusetts – Western Division, to the United States District Court – Eastern Division. As grounds for their motion, the Defendants submit that:

1. The Plaintiff checked the box for the “Eastern Division” on the Civil Cover Sheet;
2. The two in-state parties are located in Barnstable and Norfolk Counties which are part of the Eastern Division;
3. The Plaintiff’s subrogors reside in Suffolk County which is part of the Eastern Division; and
4. The property at which the damage occurred is located in Suffolk County which is part of the Eastern Division.

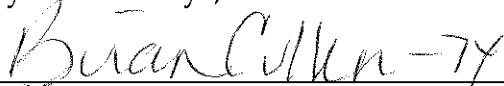
The Plaintiff assents to the Motion and therefore the Defendants ask the Court to transfer this case to the Eastern Division pursuant to the provisions of L.R. 40.1(F).

The Defendant,
C. H. Newton Builders, Inc.
By its Attorneys,



Scott J. Tucker - BBO#503940
Tucker, Heifetz & Saltzman, LLP
Three School Street
Boston, Massachusetts 02108
Tel. (617) 557-9696
Fax. (617) 227-9191

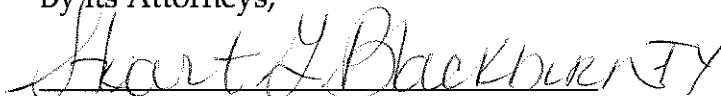
The Defendant,
Alaire Plumbing & Heating,
By its Attorneys,



Brian M. Cullen - BBO# 547427
Law Offices of Thomas M. Niarchos
100 Summer Street, Suite 201
Tel. (617) 772-2800
Fax. (617) 772-2828

ASSENTED TO:

The Plaintiff,
Fireman's Fund Insurance Company,
By its Attorneys,



Stuart G. Blackburn - BBO#549797
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Two Concorde Way, P.O. Box 608
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